

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HUGUES GERVAT, derivatively on
behalf of THE ESTÉE LAUDER
COMPANIES INC.,

Plaintiff,

v.

FABRIZIO FREDA, RONALD S. LAUDER,
LEONARD A. LAUDER, WILLIAM P.
LAUDER, JANE LAUDER, CHARLENE
BARSHEFSKY, ANGELA WEI DONG,
PAUL J. FRIBOURG, JENNIFER HYMAN,
ARTURO NUÑEZ, RICHARD D. PARSONS,
LYNN FORESTER DE ROTHSCHILD,
BARRY S. STERNLICHT, JENNIFER
TEJADA, RICHARD F. ZANNINO, ROSE
MARIE BRAVO, WEI SUN
CHRISTIANSON, GARY M. LAUDER, and
TRACEY T. TRAVIS,

Defendants,

-and-

THE ESTÉE LAUDER COMPANIES INC.,

Nominal Defendant.

Case No. 1:24-cv-01983-AS

DEMAND FOR JURY TRIAL

Because this dismissal is pursuant to Rule 41(a)(1)(A)(i), it does not need the Court's endorsement. The Clerk of Court is directed to close this case.

SO ORDERED.



Arun Subramanian, U.S.D.J.

Date: April 15, 2024

STIPULATION AND [PROPOSED] ORDER OF VOLUNTARY DISMISSAL

WHEREAS, plaintiff Hugues Gervat (“Plaintiff”) commenced the above-captioned shareholder derivative action (the “Action”) on behalf of the nominal defendant The Estée Lauder Companies Inc. (“Estée Lauder” or the “Company”) on March 15, 2024 (Dkt. No. 1);

WHEREAS, on March 20, 2024, the Court designated the Action as related to the shareholder derivative action *McCollum v. Freda, et al.*, Case No. 24-cv-716-AS (“*McCollum* Action”) pending in this Court;

WHEREAS, on March 20, 2024, the Court also entered an order stating that plaintiff in the *McCollum* Action and Defendants¹ stated that the *McCollum* Action is related to the pending securities class action, *In re The Estée Lauder Companies Inc. Securities Litigation*, 1:23-cv-10669-AS (S.D.N.Y.), also pending before this Court (Dkt. No. 5);

WHEREAS, counsel for Plaintiff and counsel for Defendants have met and conferred several times regarding next steps and scheduling;

WHEREAS, Plaintiff has determined to voluntarily dismiss the Action in order to pursue his remedies under Delaware State Law, including to make a litigation demand on the Company;

WHEREAS, Defendants have filed neither an answer nor a motion for summary judgment in the Action;

WHEREAS, neither Plaintiff nor his counsel have received or been promised any consideration in exchange for the dismissal; and

WHEREAS, the rights of the Company's other shareholders will not be adversely affected, nor prejudiced by dismissal of the Action without prejudice.

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and Defendants, by their undersigned counsel, that:

1. The Action is dismissed without prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure.

¹ "Defendants" are Fabrizio Freda, Ronald S. Lauder, Leonard A. Lauder, William P. Lauder, Jane Lauder, Charlene Barshefsky, Angela Wei Dong, Paul J. Fribourg, Jennifer Hyman, Arturo Nuñez, Richard D. Parsons, Lynn Forester de Rothschild, Barry S. Sternlicht, Jennifer Tejada, Richard F. Zannino, Rose Marie Bravo, Wei Sun Christianson, Gary M. Lauder, and Tracey T. Travis and Nominal Defendant Estée Lauder.

2. Notice to the shareholders pursuant to Fed. R. Civ. P. 23.1 is deemed unnecessary because no answer or motion for summary judgment has been filed; neither Plaintiff nor his counsel have received or been promised any consideration in exchange for the dismissal; there has been no settlement or compromise of any claims; and the rights of the Company's other shareholders will not be adversely affected, nor prejudiced by Plaintiff's dismissal of the Action without prejudice to pursue his Delaware State Law, including a litigation demand.

Dated: April 11, 2024

THE ROSEN LAW FIRM, P.A.

By: 

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Respectfully submitted,

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Attorneys for Defendants Fabrizio Freda, Ronald S. Lauder, Leonard A. Lauder, William P. Lauder, Jane Lauder, Charlene Barshefsky, Angela Wei Dong, Paul J. Fribourg, Jennifer Hyman, Arturo Nuñez, Richard D. Parsons, Lynn Forester de Rothschild, Barry S. Sternlicht, Jennifer Tejada, Richard F. Zannino, Rose Marie Bravo, Wei Sun Christianson, Gary M. Lauder, and Tracey T. Travis and Nominal Defendant The Estée Lauder Companies Inc.

IT IS SO ORDERED:

Dated: _____, 2024

HON. ARUN SUBRAMANIAN
UNITED STATES DISTRICT JUDGE